

MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL COUNCIL EXECUTIVE COMMITTEE MEETING

May 17, 2004

MAG Offices

302 North 1st Avenue, Phoenix, Arizona

MEMBERS ATTENDING

Mayor Wendy Feldman-Kerr, Queen Creek,  
Chair

Mayor Keno Hawker, Mesa, Vice Chair

Mayor John Keegan, Peoria, Treasurer

Mayor Mary Manross, Scottsdale

Mayor Joan Shafer, Surprise

Mayor Woody Thomas, Litchfield Park

\* Not present

# Participated by videoconference or telephone conference call

1. Call to Order

The Executive Committee meeting was called to order by Chair Wendy Feldman-Kerr at 12:06 p.m.

2. Call to the Audience

Chair Feldman-Kerr noted that according to MAG's public comment process, members of the audience who wish to speak are requested to fill out the public comment cards. She stated that there is a three minute time limit. Public comment is provided at the beginning of the meeting for items that are not on the agenda that are within the jurisdiction of MAG, or non-action agenda items that are on the agenda for discussion or information only.

Chair Feldman-Kerr stated that there were no public comment cards received.

3. Approval of the April 19, 2004 Executive Committee Meeting Minutes

Mayor Joan Shafer moved to approve the April 19, 2004 Executive Committee meeting minutes. Mayor Woody Thomas seconded, and the motion carried unanimously.

4. Legislative Update

Tom Remes provided an update on HB 2049, which stipulates that political subdivision entities, such as MAG, would be eligible to participate in the Arizona State Retirement System (ASRS). He noted that the bill passed the Senate Finance Committee, was freed from the Appropriations Committee and moved to the Committee of the Whole. Mr. Remes stated that there was a third reading of the bill in the Senate on May 12<sup>th</sup>, which passed 18 to 8 votes. He stated that the bills

emergency clause was not enacted because there was not a two-thirds vote. Mr. Remes expressed thanks to Representative John Huppenthal, who sponsored the bill, the League of Arizona Cities and Towns, the County Supervisors Association, and cities and towns for their support.

Mayor Thomas asked if the two-thirds vote was of the entire body. Mr. Remes confirmed that it is two-thirds of the entire body. Mayor Thomas expressed concern as to why it was so difficult. Mayor Hawker asked what the effect of the emergency clause is to MAG. Mr. Remes stated that the matter of MAG joining ASRS is on this agenda and more information would be provided to the Committee on that item. Mayor Keegan asked if it was considered to ask for reconsideration. Mr. Remes stated that it was discussed and determined that the session is coming to a close and some members may not be present. Mayor Manross agreed with the decision not to ask for a reconsideration.

Chair Feldman-Kerr thanked Mr. Remes for his update.

## 5. Update on Air Quality Issues

Lindy Bauer updated the Committee on air quality issues. She reported on the new nonattainment area for the eight-hour ozone standard, which includes Maricopa County and Apache Junction. Ms. Bauer stated that the boundary designated by EPA is an improvement over the four-county area that was originally proposed. Ms. Bauer stated that Apache Junction projects are already included in the MAG transportation plans and modeling area. She stated that EPA has designated our area as a basic nonattainment area because the readings are only slightly over the standard at two monitors.

Ms. Bauer stated that another issue is PM-10 particulate pollution. Ms. Bauer stated that as of 2003, the region has experienced violations of the annual standard at five locations. She said that the region must be clean for three years before 2006. If we continue to have violations after January 2004, we will be required to have a five percent plan in place, which means we will have to reduce pollutants by five percent each year until the standards are met. Ms. Bauer stated that the Salt River monitor continues to go over the standards, so EPA said that a new plan for that area would need to be developed. She noted that the area covers from 59th Avenue to 10th Street, Baseline to Van Buren. Ms. Bauer stated that the Arizona Department of Environmental Quality (ADEQ) plan did not include measures and ADEQ is working on the measures now. She said that sweeping streets more frequently was a key issue discussed at a stakeholders meeting on Monday. Ms. Bauer indicated that ADEQ had presented options, such as if a road is within one quarter mile of an industrial area, it would be swept weekly, and this could have financial implications for municipalities.

Ms. Bauer stated that HB 2419 delayed the compliance date for smaller diesel engine vehicles to switch over to cleaner diesel engines. She stated that the clean burning fireplace measure would be used as a main measure to counteract this. Ms. Bauer stated that we are still trying to get PM-10 added to the SAFETEA formula. She noted the work by Senator Kyl, the National Association for Regional Councils, and the ADOT lobbyist on this effort. Ms. Bauer reported that Congressman Shadegg offered an amendment to include PM-10 in the formula on the House Floor, but it was withdrawn after two key Congressmen agreed to revisit the language in the Conference Committee.

Ms. Bauer updated the Committee on the lawsuit filed by the Arizona Center for Law in the Public Interest. She stated that on May 10, 2004, the United States Court of Appeals for the Ninth Circuit Court issued an opinion that vacated portions of EPA's final approval of the Serious Area Particulate Plan for PM-10 for Maricopa County. Ms. Bauer said that the court told EPA it must review their discussion of the rejection of CARB diesel. She indicated that EPA attorneys are evaluating the impact of the court's opinion. Ms. Bauer stated that the worst case scenario is that this could trigger FHWA funding sanctions on transportation.

Mayor Thomas commented on a construction site that is not being monitored for dust control. Mayor Keegan explained that Peoria adopted an ordinance where the construction inspector is empowered to enforce the ordinance. He noted that the County only has five or eight inspectors, which makes it hard to stay on top of enforcement. Ms. Bauer stated that EPA is talking to Maricopa County about adding inspectors. She also reminded the Committee that the Regional Council directed MAG to come up with a model ordinance and we still have that in the event it is needed.

Mayor Hawker stated that California was required to take steps on not plowing during high wind days. He asked if Maricopa County has considered this and if plowing creates the same particulate problem that dust on streets does. Ms. Bauer stated that particulates come from many sources. She noted that Maricopa County does not seem to have as many high wind days. Mayor Hawker stated that the Salt River monitor problem may be because of that reason. Ms. Bauer stated that it is a possible source. Mayor Hawker asked if we could require those in that area not to plow or to regularly check monitors. Mr. Smith stated that Mike Ellegood commented at the Management Committee meeting regarding the completion of the plan to restore the Salt River and that it could be a positive impact on nonattainment. The County has invested greatly in this restoration and feels it will do a tremendous job to clean up the dust in the area.

Chair Feldman-Kerr thanked Ms. Bauer for her report.

6. Update on MAG Joining the Arizona State Retirement System

Dennis Smith explained that HB 2049 has been passed and is at the Governor's office awaiting signature. The ASRS requires that the MAG Executive Committee re-approve MAG staff joining the ASRS.

Mayor Hawker asked what the cost to employees is since we did not get the emergency clause. Mr. Smith replied that it will change the buy back rate on the installment plan.

Mayor Joan Shafer moved the approval for MAG to join the Arizona State Retirement System. Mayor Woody Thomas seconded, and the motion carried unanimously.

7. Compensation Study Update

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Dennis Smith introduced Laura Vohs from Public Sector Personnel Consultants. Ms. Vohs briefly explained the compensation study process. She explained that a list of comparitors was developed and MAG staff filled out Position Analysis Questionnaires (PAQs) that were use to compare each

position with the comparative organizations. Ms. Vohs explained that those positions that were unable to be benchmarked were linked to other positions. She noted that generally, MAG is fairly competitive in its salary structure. Mayor Thomas asked if MAG has a high turnover rate. Mr. Smith replied that the turnover rate is somewhat high. Ms. Vohs stated that the study looks at which companies/organizations MAG is getting and/or losing its employees. Mayor Hawker addressed the factor of employee performance. Ms. Vohs replied that MAG will look at performance.

Becky Kimbrough stated that MAG will not need any additional funding to meet the recommendations. She explained that MAG will just move funds from one line item to another and that the personnel costs in the budget will not change.

Mr. Smith thanked the Executive Committee for the opportunity to conduct the Compensation Study. Chair Feldman-Kerr thanked Mr. Smith and Ms. Kimbrough for their report.

Mayor Keno Hawker moved to approve the Summary of Findings and Recommendations for the MAG Compensation Study. Mayor John Keegan seconded, and the motion carried unanimously.

8. Draft FY 2005 MAG Unified Planning Work Program and Annual Budget

Becky Kimbrough thanked the Executive Committee for their attention given to the budget. She noted that there were only a few changes. She explained the Management Committee recommended taking the \$300,000 for the Building a Quality Regional Community project out of the budget, but leaving the project in the budget so that staff can move forward with the first phase. Ms. Kimbrough noted that there is no costs associated with Phase I of this project in the next fiscal year. Mr. Smith stated that Phase 1 will not be started until October 2004 due to staff work load. He noted that discussion on whether to move forward with this project should happen next May. Mayor Keegan asked if this reduces federal revenue by \$300,000. Ms. Kimbrough stated that this is still a federally funded project, but reimbursement will be based on labor not a consultant. Mayor Hawker stated that he would like to see this project happen. Mayor Shafer and Chair Feldman-Kerr agreed.

Ms. Kimbrough stated that the Building Codes Compilation and Web Addition was a special assessment project for \$70,000. She noted that this project could be left in the budget as a place holder with a final decision in July. Mr. Smith explained that MAG has contacted ASU to inquire about an intern for this project. He noted that the project may be able to be completed in-house without a special assessment.

Ms. Kimbrough updated the Executive Committee on the Intermodal Planning Group (IPG) Certification meeting on May 4 and 5. Mr. Smith stated that it was very complimentary. He noted that they made suggestions in the area of safety because of Arizona's statistics. This certification review happens every three years and the report can be made available to the Committee. Mayor Manross suggested sending the report to the Legislature.

Mayor Mary Manross moved to approve the resolution adopting the FY 2005 MAG Unified Planning Work Program and Annual Budget and the member dues and assessments. Mayor Joan Shafer seconded, and the motion carried unanimously.

9. Adjournment

There being no further business, the meeting was adjourned at 1:06 p.m.

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Chair

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Secretary